

DECLARATION AND POWER OF ATTORNEY

REGULAR OR DESIGN APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROMOTION OF NEOVASCULARIZATION USING BONE MARROW-DERIVED ENDOTHELIAL-PROGENITOR CELLS

the specification of which:

(check one)

is attached hereto

was filed on _____ as Application Serial No.

_____, and was amended on _____.

was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____, if any.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)
_____	_____	_____
_____	_____	_____
_____	_____	_____

Priority Not Claimed

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

(Number)	(Country)	(Day/Month/Year Filed)
_____	_____	_____

CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below,

60/395,004 (Application Number)	07/11/2002 (Filing Date)
_____	_____

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)
UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>(Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u>
<u>(Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u>

POWER OF ATTORNEY

I hereby appoint the following attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Donald G. Leavitt (17,626), John K. Roedel, Jr. (25,914), Michael E. Godar (28,416), Edward J. Hejlek (31,525), William E. Lahey (26,757), Richard G. Heywood (18,224), Frank R. Agovino (27,416), Kurt F. James (33,716), Paul I. J. Fleischut (35,513), Vincent M. Keil (36,838), Robert M. Evans, Jr. (36,794), Robert M. Bain (36,736), Kathleen M. Petrillo (35,076), Richard L. Bridge (40,529), Christopher M. Goff (41,785), Derick E. Allen (43,468), Michael G. Munsell (43,820), Anthony R. Kinney (44,834), Brian P. Klein (44,837), Donald W. Tuegel (45,424), Steven M. Ritchey (46,321), Kathryn J. Doty (40,593), James J. Barta, Jr. (47,409), James E. Davis (47,516), Richard A. Schuth (47,929), Jennifer E. Hoekel (48,330), Timothy B. McBride (47,781), David L. Howard (41,502), Andrew N. Claerbout (50,202), Thomas F. Maloney (50,156), James D. Harper (51,781), Jeffrey S. Ellsworth (51,650), Patricia K. Fitzsimmons (52,894), Kofi Adzamli (52,545), Andrew C. Wegman (P-54,530) and Bradley S. Schammel (P-54,667), all of the law firm of SENNIGER, POWERS, LEAVITT & ROEDEL, One Metropolitan Square, 16th Floor, St. Louis, Missouri 63102.

Send Correspondence To: Direct Telephone Calls To:

Customer Number: 000321

Edward J. Hejlek
(314) 231-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Mark S. Sands

Inventor's signature Mark S. Sands Date 2/3/03

Residence St. Louis, Missouri Citizenship US

Post Office address 660 South Euclid

St. Louis, Missouri 63110

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second joint inventor Pamco P. Young

Second inventor's signature  Date 7-7-03

Residence St. Louis, Missouri Citizenship US

Post Office address 11232 Trieste

St. Louis, Missouri 63146



APRIL 03, 2003

PTAS

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ST. LOUIS, MO 63102

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov



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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U. S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
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SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/25/2002

REEL/FRAME: 013534/0818

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SANDS, MARK S. ✓

DOC DATE: 10/28/2002

ASSIGNOR:

YOUNG, PAMPEE P. ✓

DOC DATE: 10/28/2002

ASSIGNEE:

WASHINGTON UNIVERSITY
ONE BROOKINGS DRIVE
ST. LOUIS, MISSOURI 63130

SERIAL NUMBER: 60395004 ✓

FILING DATE: 07/11/2002 ✓

PATENT NUMBER:

ISSUE DATE:

MARCUS KIRK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Attorney Docket No.

WSHU 2047

12/03/02

RECOR



To the Honorable Commissioner of Patents

102300674

cument(s) or copy thereof.

1. Name of conveying party(ies) (assignor(s)):

Mark S. SANDS, Pampee P. YOUNG

Additional name(s) of conveying party(ies) attached? yes no

2. Name and Address of Party(ies) receiving an interest (assignee(s)).

Name: Washington University

Address: One Brookings Drive

City: St. Louis

State: MO

Zip: 63130

Country: U.S.A.

Additional name(s) & address(es) attached? yes no

3. Nature of Conveyance:

 Assignment Merger Change of Name Verified Translation Security Agreement Other _____

Execution Date: October 28, 2002

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date(s) of the application is: _____

A. Patent Application No(s).

B. Patent No(s).

60/395,004

Others on additional sheet(s) attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

6. Total number of applications and patents involved:

Application(s) 1 + Patent(s) 0 = Total 40.00

Edward J. Hejlek

Senniger, Powers, Leavitt & Roedel

One Metropolitan Square

16th Floor

St. Louis, Missouri 63102

(314) 231-5400 (telephone)

7. Total Fee (37 CFR 3.41)

\$ 40.00

 Enclosed Authorized to be charged to deposit account

8. Deposit Account Number: 19-1345

(Duplicate copy of this sheet attached)

 Charge any underpayment or credit any overpayment to above Deposit Account

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Edward J. Hejlek

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document:

ASSIGNMENT

WHEREAS, We Mark S. Sands and Pampee P. Young, both of St. Louis, Missouri, have invented an improvement in PROMOTION OF NEOVASCULARIZATION USING BONE MARROW-DERIVED ENDOTHELIAL PROGENITOR CELLS described in a provisional application for a United States patent Serial No. 60/395,004, filed July 11, 2002 (File WSHU 2047);

AND, WHEREAS, Washington University of St. Louis, Missouri, a not for profit corporation of the State of Missouri (hereinafter referred to as "ASSIGNEE") is desirous of acquiring certain rights thereunder;

NOW, THEREFORE, for one dollar and other good and valuable consideration, receipt of all of which is hereby acknowledged, we have agreed to and do hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said invention, said United States application, any other United States applications (including provisional, non-provisional, divisional, continuing, or reissue applications) based in whole or in part on said United States application or in whole or in part on said invention, any foreign applications based in whole or in part on any of the aforesaid United States application or in whole or in part on said invention, and any and all patents (including extensions thereof) of any country which have been or may be granted on any of the aforesaid applications or on said invention or any part thereof;

TO BE HELD AND ENJOYED by said ASSIGNEE, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us had no sale and assignment of said interest been made;

AND We hereby authorize and request the Commissioner of Patents of the United States of America to issue any and all United States patents which may be granted upon said United States applications or any of them, or upon said invention or any part thereof, to said ASSIGNEE;

AND We hereby jointly and severally agree for ourselves and for our respective heirs, executors and administrators, to execute without further consideration any further lawful documents and any further assurances, and any provisional, non-provisional, divisional, continuing, reissue, or other applications for patents of any country, that may be deemed necessary by said ASSIGNEE fully to secure to said ASSIGNEE its interest as aforesaid in and to said invention or any part thereof, and in and to said several patents or any of them;

AND We hereby jointly and severally covenant for ourselves and our respective legal representatives that we have granted no right or license to make, use or sell said invention, to anyone except said ASSIGNEE, that prior to the execution of this deed our right, title and interest in said invention had not been otherwise encumbered, and that we have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, we have hereunto set our hands.

Mark S. Sands
Mark S. Sands

10/28/02
Date

Pamée P. Young
Pamée P. Young

10/28/2002
Date

ACKNOWLEDGEMENT

STATE OF Mo)
COUNTY OF STL)

On this 28 day of Oct, 2002, before me, a Notary Public, personally appeared Mark S. Sands to me known to be the person described in and who executed the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the date and year last above written.

Sally C Kaestner
Notary Public

My Commission Expires:

Feb 15, 2005

SALLY C. KAESTNER
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Feb. 15, 2005

STATE OF Mo)
COUNTY OF STL)

On this 28 day of OCT, 2002, before me, a Notary Public, personally appeared Pampee P. Young to me known to be the person described in and who executed the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the date and year last above written.

Sally C Kaestner
Notary Public

My Commission Expires:

Feb 15, 2005

SALLY C. KAESTNER
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Feb. 15, 2005